

SWAN CREEK STRATEGIES

July 20, 2016

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: **Notice of Ex Parte Presentation**, MB Docket 16-42; CS Docket 97-80

Dear Ms. Dortch:

On July 7, 2016, Brian Woolfolk (Swan Creek Strategies), Stephen Davis (New England Broadband), Eric Easter (National Black Programmers Consortium), and DeShuna Spencer (Kweli TV) met with Commissioner Jessica Rosenworcel and Marc Paul (Legal Advisor) to discuss the Pay TV proposal for the FCC to significantly alter the proposed NPRM to develop a competitive set top box market.

The programmers expressed concerns about the proposed alternative: no protections for small, independent and diverse programmers; questions/ fears regarding who controls access points in an HTML5 app system; insufficiencies in search capabilities; stunted innovation; in app versus out of app gatekeeping; app placement controls; standardization and backdoor opportunities to inhibit access such as zero rating/ data caps. The programmers further expressed concerns with the lack of detail in the Pay TV alternative and urged the FCC to proceed with the original proposal.

Respectfully Submitted,

_____/s/____

Brian Woolfolk
Principal
Swan Creek Strategies

cc:

Marc Paul